

DECLARATION OF C.R. ADDY, ESQ.

EXHIBIT E

T No. 414 OF 2006
T No. 415 OF 2006
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

R.P. LOGISTICS PVT. LTD. & ANR.

Plaintiff/Petitioner/Applicant

versus

THE O & P INVEST IN VLS MY ETHER NAVNEET DEFENDANT/Respondent
& OMS

BEFORE:

The Hon'ble JUSTICE TAPAN KUMAR DUTT

Date : 30th October, 2006.

DECIDED ORDER

The Court : By ^{the} order dated 13th October, 2006 passed by an Hon'ble Single Judge of this Court during the puja vacation has been produced before this Court. It appears from the said order that the defendant no.3 wanted to furnish security for a sum of Ru.1,24,00,000/- in favour of the Registrar, Original Side, High Court, Calcutta for the purpose of release of the vessel. His Lordship was pleased to direct, inter alia, that upon furnishing such security deposit as indicated in the said order dated 13th October, 2006, the Registrar, Original Side shall intimation the Marshal and the Marshal shall immediately release the vessel and the application for arrest of the vessel shall stand disposed of.

Today, the learned Advocate Mr. Ashim Kumar Bose for the defendant no.3 appeared before this Court and submitted that the defendant no.3 has not furnished such security and he also submitted that he does not have any further instructions to participate in this case.

In such circumstances, since the defendant no.3 has not furnished any security as indicated in the said order dated 13.10.2006, the question of release of the vessel at present does not arise and the application for arrest of the vessel remains to be disposed off.

Today, the learned Advocate for the defendant no.1 appears and submits that he has filed an application for vacating the order dated September 26, 2006 for dismissal of the suit and that such application has been filed today. The learned Advocate also submitted that a copy of the same has been served on the plaintiff and that affidavit of service has been filed.

Mr. Goswami, learned Counsel appearing on behalf of the plaintiffs submits that a week's time may be granted to file affidavit in opposition. Let such affidavit in opposition be filed within a week from date. Reply thereto within 3 days thereafter. Let the application being T. No. 436 of 2006 come up for hearing on November 13, 2006.

The interim order dated 26th September, 2006 which was subsequently extended till 1st November, 2006, shall now stand extended till 15th November, 2006.

Mr. Mitra, learned Counsel appeared in this matter and submitted that he is instructed to intervene in this matter on behalf of M/s. J.M. Baxhi & Co., 10 Lynd莽 Range, Calcutta 700 031 which is the local agent of the vessel concerned.

The learned Advocate for the defendant no.1 disputed that M/s. J.M. Baxhi & Co. is the local agent of the vessel concerned.

If Mr. Mitra's client wishes to intervene in this matter, it is upto them to take steps in this regard in accordance with law for the purpose of intervening in this matter.

Registrator, Original Side, Marshal, Port and Customs Authorities, CISF and Port Police and all parties concerned are to act on a xerox signed copy of this dictated order on the usual undertakings.

Sd/- Tapan Kumar Datta

C.S.

Tapan Kumar Datta
30/09/06

Received Register
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